

Paper 1

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,331 (RT)
(From Technology Center 1600)

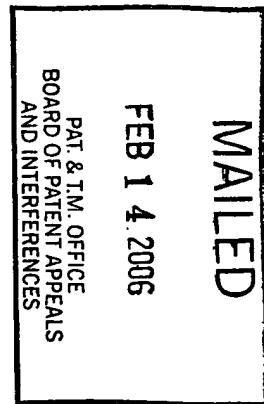
POLYMASC PHARMACEUTICALS PLC
(6,132,763),
Junior Party,

v.

ALZA CORPORATION
(09/174,298 and 09/843,578),
Senior Party.

DECLARED: 14 February 2006

DECLARATION - Bd.R. 203(d)¹



1 **A. Declaration of interference**

2 An interference is declared pursuant to 35 U.S.C. 135(a). Details of the
3 applications, patent, count, and claims designated as corresponding to the count
4 appear under headings E and F of this DECLARATION.

5 **B. Administrative patent judge designated to administer the
6 contested case**

7 Administrative Patent Judge Richard Torczon has been designated to manage
8 the interference. Bd. R. 104(a).

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

C. Standing order

A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this contested case.

D. Conference call to set dates

A telephone conference call to set dates for action in this contested case is scheduled for 2 p.m. (Eastern) on **12 April 2006**. (The Board will initiate the call.)

No later than **7 April 2006**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

E. The parties to this interference

Junior Party

Patent: 6,132,763 [763], granted 17 October 2000
(08/459,822, filed 2 June 1995)

Title: Liposomes

Inventors: Derek Fisher and Francis Gillian, both of London, United Kingdom

Senior Party

Applications: 09/174,298 [298], filed 16 October 1998
09/843,578 [578], filed 26 April 2001

Title: Liposomes with enhanced circulation time and method of treatment

Inventors: Francis J. Martin of San Francisco,
Martin C. Woodle of Menlo Park,
Carl Redemann of Walnut Creek, and
Annie Yau-Young of Palo Alto, all of California

F. Count and claims of the parties

Count 1

A liposome of 763 claim 1 or a liposome composition of 298 claim 40.

The claims of the parties are:

PolyMASC: 1-11

Alza 298: 41-46

Alza 578: 21-24

The claims corresponding to Count 1:

PolyMASC: 1, 2, and 4-11

Alza 298: 41-46

Alza 578: 21-24

The claims not corresponding to Count 1:

PolyMASC: 3

Alza: None

1 The benefit accorded for Count 1:

2 PolyMASC: 08/001,900, filed 7 January 1993; and

3 07/678,955, filed 19 April 1991

4 Alza: 09/139,058, filed 24 August 1998;

5 07/858,171, filed 27 March 1992;

6 07/642,321, filed 15 January 1991; and

7 07/425,224, filed 20 October 1989

8 **G. Heading to be used on papers; exhibit numbers**

9 Addendum 1 provides the heading that shall be used on all papers filed in the
10 contested case. See SO ¶ 106.1.1.

11 The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO
12 ¶ 154.2.1):

13 Alza: 1001-1999.

14 PolyMASC: 2001-2999.

15 **H. Order form for requesting file copies**

16 When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly
17 expedite processing of the request. Please attach a copy of Parts E and F of this
18 DECLARATION with a hand-drawn circle around the patents and applications for which
19 a copy of a file wrapper is requested.

/RICHARD TORCZON/
Administrative Patent Judge

Interference No. 105,331
PolyMASC Pharms. PLC v. Alza Corp.

Paper 1
Page 5

Enclosures:

Copy of STANDING ORDER (Paper 2)
Copy of the application² claims for 09/174,298 and 09/843,578

cc (via overnight delivery):

For PolyMASC Pharmaceuticals PLC:

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130

Tel: 858-678-5070

For Alza Corporation:

Judy M. Mohr
PERKINS COIE LLP
101 JEFFERSON DRIVE
MENLO PARK, CA 94025
Tel: 650-838-4300
Fax: 650-838-4350

² Any United States patent listed in this paper is available at <http://patft.uspto.gov/netahtml/srchnum.htm>.

ADDENDUM 1

Filed on behalf of: [Name of Party] Paper No. [Leave blank]
By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

POLYMASC PHARMACEUTICALS PLC
(6,132,763),
Junior Party,

v.

ALZA CORPORATION
(09/174,298 and 09/843,578),
Senior Party.

Patent Interference No. 105,331 (RT)

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST
Patent Interference No. 105,331

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address,³ including street, city, state, ZIP code, and telephone number:

3. Telephone, including area code: _____

³ Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon
Telephone: 571-272-9797
Facsimile: 571-273-0042

MAILED

FEB 14 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: MARTIN
Application No.: 09/843,578
Filed: 04/26/01
For: Liposomes with enhanced circulation time
and method of treatment

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,331.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/
RICHARD TORCZON
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,331

Paper No.

Name: Francis J. Martin, et al.

Serial No.: 09/843,578

Patent No.

Title: Liposomes with enhanced circulation time and method of treatment

Filed: 04/26/01

Interference with Fisher et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.